

Order

Michigan Supreme Court
Lansing, Michigan

September 11, 2009

Marilyn Kelly,
Chief Justice

139251
& (80)

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 139251
COA: 281248
Sanilac CC 05-006016-FC

THOMAS JAMES EARLS,
Defendant-Appellant.

On order of the Court, the motion for immediate consideration is GRANTED. The application for leave to appeal the May 20, 2009 order of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for reinstatement of the defendant's claim of appeal. On April 30, 2009, the defendant was given 21 days in which to file his brief with the Court of Appeals. According to the Court of Appeals date stamp on the brief that was returned to the defendant, the brief was filed with that court on May 20, 2009, within the 21 day period. Consequently, the brief was timely filed and dismissal was entered in error.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 11, 2009

Corbin R. Davis

Clerk